

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

NEBRASKA FURNITURE MART, INC.,
A Nebraska Corporation,

NO. _____

Plaintiff,

v.

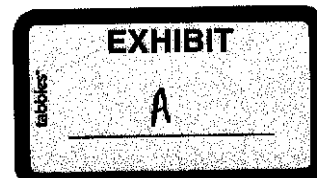
COMPLAINT

LISA BIRGE,

Defendant(s).

Comes now the plaintiff and for its cause of action against the defendant(s), (hereinafter referred to as Defendant, whether one or more), alleges and states as follows, to-wit:

1. Defendant is a resident of the City of OMAHA, DOUGLAS COUNTY, NE. The plaintiff is a corporation organized and existing under and by virtue of the laws of the State of Nebraska.
2. Defendant is not a member of the military service of the United States of America.
3. The defendant purchased from the plaintiff, in Omaha, Douglas County, Nebraska, certain merchandise under and by virtue of a revolving charge agreement dated 09/03/1998. A copy of the revolving charge agreement for said purchases is attached hereto as Exhibit A and by this reference incorporated herein. Payments may have been made, but there remains a balance due and owing to the plaintiff from the defendant of \$872.20.
4. The defendant has failed to make timely payments as provided in the revolving charge agreement and therefore is indebted to the plaintiff in the amount of \$872.20 .
5. The Defendant is also liable for interest which remains unpaid after expiration of the installment period. Such interest is to be calculated at the rate of 18% per annum, or 1.5% per month, on the unpaid balance.
6. Both oral and written demands have been made upon the defendant for more than ninety (90) days prior to the filing of this Complaint, but the defendant has failed, neglected and refused to pay any amount to the plaintiff. There is now due and owing on the revolving charge agreement from the defendant to the plaintiff the sum of \$872.20 plus accrued interest in the amount of \$18.07 at the contract rate as of the date of this Complaint.



WHEREFORE, plaintiff prays for judgment against the defendant in the amount of \$872.20 plus accrued interest in the amount of \$18.07, a reasonable attorney's fee, accruing interest at the rate of 18% per annum, or 1.5% per month, on the unpaid balance, and its costs herein expended.

NEBRASKA FURNITURE MART, INC.,
A Nebraska Corporation, Plaintiff

By 

AARON F. SMEALL- 22756
Smith Gardner Slusky, Lazer,
Pohren & Rogers, LLP
8712 West Dodge Road, Suite 400
Omaha, NE 68114
Telephone (402) 392-0101

3501

**NOTICE REQUIRED UNDER THE FAIR DEBT
COLLECTION PRACTICES ACT**

1. This is an attempt to collect a debt and any information obtained will be used for that purpose.
2. The amount of the debt is stated in the Complaint.
3. The name of the creditor is stated in the Complaint.
4. Unless the Debtor disputes the validity of the debt within thirty (30) days after receipt of the notice, it will be assumed that the debt is valid.
5. If the Debtor notifies the attorney in writing within thirty (30) days that the debt is disputed, the attorney will obtain verification of the debt or a copy of a judgment and mail it to the Debtor.
6. The attorney will provide the Debtor with the name and address of the original creditor, if different from the current creditor, if the Debtor requests this in writing within thirty (30) days.

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

NEBRASKA FURNITURE MART

Plaintiff,

vs.

LISA BIRGE,

Defendant,

CASE NO.

C1 12 7733

Answer

COMES NOW the Defendant in response to Complaint against Defendant.
Defendant denies Allegations 4, 5, 6

Defendant has been in contact with Plaintiff since February and they and their attorney were aware of insurance on this account and that defendant was unemployed and Plaintiff received payment on April 3rd that brought this account current and this bogus lawsuit was filed anyway and served on Defendant on April 9. Even after contacting both Plaintiff and their attorney on April 10, 2012, they both failed to retract this claim. Therefore Defendant preys for dismissal of this bogus lawsuit.

Dated: April 23, 2012

By


Lisa Birge

Omaha, NE 68104

(402) 



001196428C01

EXHIBIT

B

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

NEBRASKA FURNITURE MART, INC.,
A Nebraska Corporation,

NO. CH2 7733

Plaintiff,

REQUEST FOR ADMISSIONS
AND INTERROGATORIES

v.

LISA BIRGE,

Defendant(s).

TO: LISA BIRGE , Defendant(s).

REQUEST FOR ADMISSIONS

Comes now the plaintiff by and through its attorney AARON F. SMEALL, and, pursuant to the Rules of Discovery of the Nebraska Supreme Court, submits this Request for Admissions admitted or denied, separately and in writing, within thirty (30) days of the date of service hereof. Should defendant(s) fail to respond to these Requests for Admissions, said Requests will be deemed admitted pursuant to law. Please admit or deny the following:

1. The plaintiff, Nebraska Furniture Mart, Inc., is a Nebraska corporation organized and existing under and by virtue of the laws of incorporation of the State of Nebraska, with its principal place of business in Omaha, Douglas County, Nebraska.

RESPONSE:

2. The defendant(s) is/are resident(s) of OMAHA, DOUGLAS County, Nebraska.

RESPONSE:

3. The above-named defendant(s) entered into a revolving charge agreement with plaintiff in Omaha, Douglas County, Nebraska, on or about 09/03/1998.

RESPONSE:

4. Exhibit "A" of the Complaint of plaintiff, previously filed in the above-captioned matter, consists of a true and exact copy of the revolving charge agreement signed by the defendant(s).

RESPONSE:

5. The plaintiff performed its obligations under the agreement.

RESPONSE:

6. The defendant(s) failed to make the payments required by the revolving charge agreement on a timely basis.

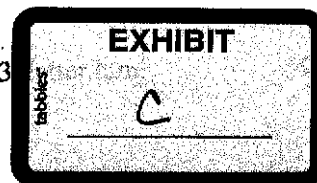
RESPONSE:

7. Both oral and written demands have been made upon the defendant(s) for more than 90 days prior to the filing of the Complaint herein.

RESPONSE:

8. The debt has been accelerated and the sum of \$821.09 is now due and payable on said agreement.

RESPONSE:



9. The Plaintiff is entitled to interest at 18% per annum per the contract.

RESPONSE:

INTERROGATORIES

YOU ARE REQUIRED to answer the following Interrogatories, separately, in writing, and under oath, pursuant to Rule 33 of the *Nebraska Rules for All Civil Cases*, within 30 days following service. These Interrogatories are to be deemed continuing as provided under Rule 26(e) of the *Nebraska Discovery Rules for All Civil Cases*. If you, or your attorney, discover any additional information concerning matters covered by these Interrogatories between the time the answers are made and the date of trial, supplemental answers should be made. Should defendant(s) fail to answer these Interrogatories, said Interrogatories will be deemed admitted pursuant to law.

INTERROGATORY NO. 1. For each statement you denied in the Request for Admissions, please state the factual basis for such denial.

ANSWER:

INTERROGATORY NO. 2. Please describe, in detail sufficient to formulate a request for production of documents, each and every document which you have in your possession, or which is available to you, which is in any way connected with the facts alleged in either the plaintiff's Complaint or the Answer of defendant(s).

ANSWER:

INTERROGATORY NO. 3. Please state the name, address and telephone number of each and every person or company who has, or who may have, information or knowledge concerning the matters alleged in either the plaintiff's Complaint or the Answer of defendant(s).

ANSWER:

COPY FOR COURT
NEBRASKA FUTURE MART, INC.,
A Nebraska Corporation, Plaintiff,

By _____
AARON F. SMEALL - 22756
SMITH GARDNER SLUSKY
8712 W. Dodge Road, Suite 400
Omaha, NE 68114
Telephone (402) 392-0101

Filed in Douglas County Court

*** FILED 013

Case Number: C01C120007733

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Filing Date: 05/10/2012 09:44:20 AM CDT

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

NEBRASKA FURNITURE MART, INC.,
A Nebraska Corporation,

NO. CI12 7733

Plaintiff,

v.

LISA BIRGE,

Defendant(s).

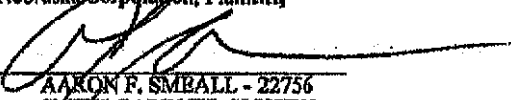
**CERTIFICATE OF MAILING
REQUEST FOR ADMISSIONS AND INTERROGATORIES**

AARON F. SMEALL hereby certifies that a copy of plaintiff's Request for Admissions and Interrogatories was duly served upon the defendant herein, by regular United States mail, postage prepaid on 05/08/2012.

LISA BIRGE
4914 N 55TH ST
OMAHA, NE 68104

NEBRASKA FURNITURE MART, INC.,
A Nebraska Corporation, Plaintiff,

By


AARON F. SMEALL - 22756
SMITH GARDNER SLUSKY
8712 W Dodge Road, Suite 400
Omaha, NE 68114
Telephone (402) 392-0101

3501

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

NEBRASKA FURNITURE MART

CASE NO.

Plaintiff,

vs.

Response to Admissions

LISA BIRGE,

Defendant,

COMES NOW the Defendant in response to the Admissions admit to statements 1 through 4, 8. In response to 5) The plaintiff was aware that I was unemployed and had insurance obtained through them processing my unemployment claim but still sent this out to an attorney for collection. (6) I made required payments and filed the insurance claim when required. (7) Oral and written demands were made in which I responded to but the account was sent out to an attorney less than 90 days and lawsuit filed after the insurance company met their obligation. (9) The attorney is not due additional interest due the fact they did not follow collection procedure.

Dated: June 6, 2012

By:

Lisa Birge

Omaha, NE 68104

(402) [REDACTED]

